

## VIOLATIVE SALES OF PRESCRIPTION DRUGS

**3941. Misbranding of pentobarbital sodium capsules and methyltestosterone linguets. U. S. v. Harold E. Axtell (Axtell Prescription Pharmacy). Plea of nolo contendere. Fine of \$150, plus costs. (F. D. C. No. 33746. Sample Nos. 15212-L, 15214-L to 15217-L, incl., 15221-L.)**

**INFORMATION FILED:** January 28, 1953, District of Nebraska, against Harold E. Axtell, trading as the Axtell Prescription Pharmacy, Beatrice, Nebr.

**NATURE OF CHARGE:** On or about March 26 and April 7, 12, 18, and 22, 1952, while a number of *pentobarbital sodium capsules* and *methyltestosterone linguets* were being held for sale at the Axtell Prescription Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded as follows: Section 502 (b) (1), the repackaged *pentobarbital sodium capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2) all the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents. Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (2), the repackaged *methyltestosterone linguets* failed to bear a label containing the common or usual name of each active ingredient of the drug; and, Section 502 (f) (1), the labeling of all the repackaged drugs failed to bear adequate directions for use.

Further misbranding, on or about April 28, 1952, while a number of *methyltestosterone linguets* were being held for sale at the Axtell Prescription Pharmacy, after shipment in interstate commerce, the defendant caused a number of the *methyltestosterone linguets* to be dispensed without a prescription from a practitioner licensed by law to administer such drug. This act of dispensing was contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drug being misbranded.

**DISPOSITION:** February 10, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$150, plus costs.

**3942. Misbranding of pentobarbital sodium capsules and amphetamine sulfate tablets. U. S. v. Eliot Pharmacy, Inc., and Morris Wernick. Pleas of guilty. Fine of \$250 against each defendant. (F. D. C. No. 33853. Sample Nos. 44577-L, 44579-L.)**

**INFORMATION FILED:** January 20, 1953, District of Massachusetts, against the Eliot Pharmacy, Inc., Boston, Mass., and Morris Wernick, treasurer of the corporation.

**NATURE OF CHARGE:** On or about August 6 and 7, 1952, while quantities of *pentobarbital sodium capsules* and *amphetamine sulfate tablets* were being held for sale at the Eliot Pharmacy, Inc., after shipment in interstate com-